

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES, INC.,)
)
 Plaintiff,)
)
 -vs-) No. 17-CV-454-GKF-JFJ
)
 CASTLE HILL STUDIOS, LLC, et al.,)
)
 Defendant(s).)

TRANSCRIPT OF TELEPHONIC MOTION HEARING

BEFORE THE HONORABLE JODI F. JAYNE

UNITED STATES MAGISTRATE JUDGE

SEPTEMBER 6, 2018

A P P E A R A N C E S

Gary M. Rubman and Peter A. Swanson, Attorneys at Law,
Covington & Burling, 850 Tenth Street N.W., Washington, DC,
20001, attorneys on behalf of the Plaintiff;

Henry A. Platt and Matthew J. Antonelli, Attorneys at Law, Saul, Ewing, Arnstein & Lehr, 1919 Pennsylvania Avenue N.W., Suite 550, Washington, DC 20006, attorneys on behalf of the Defendants.

*REPORTED BY: BRIAN P. NEIL, RMR-CRR
United States Court Reporter*

1 customers relevant, but VGT's agreements with customers have no
2 bearing on Castle Hill's profits that it earns on games.

3 THE COURT: Well, plaintiff -- or defendants --
4 defendant argued that it's not clear from the pleadings or from
5 the 30(b)(6) testimony that the lost profits claim is
6 completely abandoned.

7 Do you believe that's clear and that everybody's
8 operating on the same page at this point in the case?

9 MR. SWANSON: Yes, Your Honor. We served the
10 damages expert report several weeks ago, and our damages expert
11 was not claiming lost profits, did not offer any opinions on
12 that. Yes, our only monetary relief we're seeking is
13 disgorgement of profits as well as attorneys' fees --

14 THE COURT: So is it your position, Mr. Swanson,
15 that a party can just redact documents for irrelevance at will
16 without coming to court and asking first?

17 MR. SWANSON: Yes, Your Honor. I do believe it's
18 appropriate to redact irrelevant information from documents
19 that you produce. And, you know, here, we're talking about
20 information that's extremely sensitive for VGT and is also
21 confidential information of VGT customers as well. So it's --
22 it's -- you know, both VGT and the customers have an interest
23 in protecting this information, and given the lack of
24 relevance --

25 THE COURT: Well, you sort of -- typically, the way

1 games next to VGT games. I don't know why VGT's customer
2 agreements have anything to do with that.

3 In addition, the specific portion of Exhibit 8 that
4 Mr. Platt pointed to, we didn't redact page 3, paragraph (h).
5 We didn't redact the provision about location of equipment and
6 machines on the floor. The redaction is actually a separate
7 subparagraph that has to do more with financial terms so that
8 doesn't have to do with placing the games on the floor.

9 The discussion of volatility in math, we produced all
10 the confidential math information that we're relying on. We've
11 given them volatility information, given them information on
12 the whole percentages for our games so they know all of that.
13 They gave them hundreds and hundreds of pages of internal,
14 highly-confidential documents that show the math and the
15 specific percentages for games at issue. They have all of
16 that.

17 All of these financial terms that he's pointing to,
18 again, conceivably that could be relevant if we were claiming
19 that them taking games away from VGT that we, therefore, lost
20 revenue from the customers or lost profits from the customers.
21 But we're not claiming that. We're just claiming that for
22 whatever games they do have on the floor, whether they were
23 replaced the VGT games or didn't replace the VGT games, we get
24 to disgorge their profits. Our customer agreements have
25 nothing to do with that.

C E R T I F I C A T E

I, Brian P. Neil, a Certified Court Reporter for the Northern District of Oklahoma, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes and is a true record of the proceedings held in above-captioned case.

I further certify that I am not employed by or related to any party to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 4th day of October 2018.

s/ Brian P. Neil

*Brian P. Neil, RMR-CRR
United States Court Reporter*